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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,636	08/24/2001	Kazuya Umeyama	110462	1382

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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,636

Applicant(s)

UMEYAMA, KAZUYA

Examiner

Lin Ye

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/2/06 and 3/31/06 have been fully considered but they are not persuasive as to claims 1-3, 5-9 and 11-15.

For claims 1, 8, 9 and 11, the applicant argues that the Anderson reference (U.S. Patent 6,215,523) does not disclose that each of the scrennail images 608 is sustained even after the read of the corresponding compressed image data 604 has been completed (See Applicant's REMARKS page 8, lines 12-17 filed on 3/2/06).

The examiner disagrees. The Anderson reference discloses the second image (scrennail image 608) displayed on the LCD (402) and then **optionally** updated with the first image (higher resolution compressed image data 604) (See Col. 8, lines 25-35). This implicitly shows the display device can be sustains display of image having been displayed based upon the second image data on the display device even after the read of the first image has been completed (e.g., it is not necessary the first image need to be displayed on the display device if the scrennail quality is such that its display on the LCD screen 402, see Col. 13, lines 44-47).

It also should be noted that the applicant's discloses in steps 102-106 of Figure 5 and specification, pages 20, lines 11-15, after the read of the first image (main image data) has been completed in step 105, the first image data is displayed or updated on the display device (e.g., the second image data is replaced by the first image data on the display screen). This **does not** show how long the display device exactly sustains display of the image having been

Art Unit: 2622

displayed based on the second image data on the display device even after the read of the first image has been completed.

For claim 6, the applicant argues that the Anderson's reference does not disclose that the control device performs that display of the image displayed at display device based upon the second image data by using the first image data which have been read (See Applicant's REMARKS page 9, lines 1-17, filed on 3/2/06).

The examiner disagrees. The Anderson reference discloses the first image data (higher resolution compressed image data 604) has a resolution of 640x480 pixels (See Col. 7, lines 49-50); the second image data (scrennail image 608) has a resolution of 288x216 pixels (See Col. 7, lines 60-65); and when the control device controls display device updated with the first image data based upon the second image data (See Col. 8, lines 26-35), the display of the image is enlarged from 288x216 pixels to the 640x480 pixels. The Anderson reference clearly disclose the features of the frame feed operation is preformed without waiting for the main image read to be completed, so achieve a continues display operation with a high degree of efficiency (See Col. 8, lines 30-38).

For claim 13, the applicant argues that the Anderson does not disclose any thumbnail in play mode (See Applicant's REMARKS page 9, line 24 and page 10, lines 1-2 filed on 3/2/06).

The examiner disagrees. The Anderson reference clearly discloses the thumbnail (small thumbnail 700) in play mode (reproduction mode) as shown in Figure 8 (See Col. 10, lines 39-50 and Col. 11, liens 47-50).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-9 and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson U.S. Patent 6,215,523.

Referring to claim 1, the Anderson reference discloses in Figures 1, 5A-B and 6, an electronic camera (110, see Col. 3, lines 57-60) comprising: an image-capturing device (114, see Col. 3, lines 60-65) that captures an image of a subject and generates first image data (e.g., higher-resolution compressed image data 604 as the first image data that is the actual data comprising the full-sized captured image, preferably 640x480 pixels, see Col. 7, lines 40-47); a display device (LCD 402) that displays an image; a display image generating device that generates second image data (e.g., the scrennail image 608 as the second image data that is preferably 288x216 pixels and display-sized and fills the visible area of LCD screen 402, see Col. 7, lines 60-65), which have a smaller number of pixels than the first image data and correspond to a display resolution at said display device, based upon said first image data; a recording device (memory 354) that records the first image data and said second image data into a recording medium (e.g., as shown in Figure 6, the image file 600

includes the first image data 604 and second image data 608 stored in memory 354, see Col. 10, lines 27-28); and a control device (left/right control buttons 410 and computer 118) that first reads the second image data when reading the first data from the recording medium, displays on the display device an image based upon said the second image data which have been read, and sustains display of the image having been displayed based upon the second image data on the display device even after the read of the first image has been completed (e.g. the scrennail image 608 contained in the image file 600 is first decompressed and displayed on the LCD 402; and then **optionally** updated with the first image 604, see Col. 8, lines 25-38. This implicitly shows the display device can be sustains display of image having been displayed based upon the second image data on the display device even after the read of the first image has been completed, e.g., it is not necessary the first image need to be displayed on the display device if the scrennail quality is such that its display on the LCD screen 402, see Col. 13, lines 44-47).

Referring to claim 2, the Anderson reference discloses a reproduction instruction device (e.g., mode dial 420 switched to play modes, see Col. 7, lines 10-16) that issues an instruction to reproduce an image based upon image data recorded in the recording medium, wherein: said control device (left/right buttons 410, see Col. 13, lines 20-25) starts reading the second image data and the first image data recorded in the recording medium in response to a reproduction instruction issued by said reproduction instruction device as shown in Figure 11B-D (See Col. 13, lines 5-40)

Referring to claim 3, the Anderson reference discloses wherein: said a recording device (354) records the first image data (604) and the second image data (608) in a single image file (600) in said recording medium as shown in Figure 6 (See Col. 10, lines 27-28).

Referring to claim 5, the Anderson reference discloses a thumbnail image generating device that generates thumbnail image data (thumbnail image 606 has 80x60 pixels), which have a smaller number of pixels than said second image data (608), based upon said first image data, wherein: said recording device (354) records said first image data, said second image data and said thumbnail image data (as image file 600 shown in Figure 6) into the recording medium.

Referring to claim 6, the Anderson reference discloses an enlargement instruction device that issues an instruction for enlarged display of the image that is being displayed at the display device based upon the second image data, wherein: the control device performs the enlarged displayed of the image that is being displayed at the display device based upon the second image data by using the first image data which have been read (the first image data 604 has a resolution of 640x480 pixels, see Col. 7, lines 49-50; the second image data 608 has a resolution of 288x216 pixels, see Col. 7, lines 60-65; and when the control device controls display device updated with the first image data based upon the second image data , see Col. 8, lines 26-35, the display of the image is enlarged from 288x216 pixels to the 640x480 pixels).

Referring to claim 7, the Anderson reference discloses wherein: the control device displays a plurality of thumbnail images (in review mode) at said display device by reading a plurality of sets of thumbnail image data recorded in said recording medium, reads second

image data before reading first image data corresponding to a thumbnail image selected from said plurality of thumbnail images on display and displays said second image data at said display device as shown in Figure 8 (See Col. 8, lines 20-38).

Referring to claim 8, the Anderson reference discloses all subject matter as discussed with respected same comments to claim 1.

Referring to claim 9, the Anderson reference discloses all subject matter as discussed with respected same comments to claim 1.

Referring to claim 10, the Anderson reference discloses all subject matter as discussed with respected same comments to claim 1.

Referring to claim 11, the Anderson reference discloses all subject matter as discussed with respected same comments to claim 1.

Referring to claim 12, the Anderson reference discloses wherein the control device invalidates the instruction for the enlarged display issued by the enlargement instruction device while reading the first image data is in progress (e.g., in the play mode as reading the both first image data 604 and second image data 608 from the image file 600, the first image no need to be displayed on the display device if the scrennail quality is such that its display on the LCD screen 402, see Col. 13, lines 44-47).

Referring to claim 13, the Anderson reference discloses in Figures 1, 5A-B, 6 and 8, an electronic camera (110, see Col. 3, lines 57-60) comprising: an image-capturing device (114, see Col. 3, lines 60-65) that captures an image of a subject and generates first image data (e.g., higher-resolution compressed image data 604 as the first image data that is the actual data comprising the full-sized captured image, preferably 640x480 pixels, see Col. 7, lines

40-47); a display device (LCD 402) that displays an image; a display image generating device that generates second image data (e.g., a resized thumbnail 704 as second image data that is preferably 120x90 pixels, see Col. 11, lines 14-16; or the scrennail image 608 as the second image data that is preferably 288x216 pixels and display-sized and fills the visible area of LCD screen 402, see Col. 7, lines 60-65), which have a smaller number of pixels than the first image data (604) and correspond to a display resolution at said display device, based upon said first image data; a thumbnail image generating device that generates thumbnail image data (small thumbnails 700 that is preferably 50x50 pixels), which have a smaller number of pixels than the second image data (704 or 608), based upon the first image data, a recording device (memory 354) that records the first image data, the second image data and the thumbnail image data into a recording medium (e.g., as shown in Figure 6, the image file 600 includes the first image data 604, the second image data 608 and the thumbnail 606 stored in memory 354, see Col. 10, lines 27-28); and a control device (left/right control buttons 410 and computer 118) displays a plurality of thumbnail images at the display device by reading a plurality of sets of thumbnail image data (700) recorded in the recording medium, reads second image data (704 or 608) before reading first image data corresponding to a thumbnail image selected from the plurality of thumbnail images on display and displays an image at the display device based upon the second image data having been read as shown in Figures 8-10 (see Col. 11, lines 10-61, Col. 12, lines 35-43 and lines 56-67).

Referring to claim 14, the Anderson reference discloses all subject matter as discussed with respected same comments to claims 6 and 13.

Referring to claim 15, the Anderson reference discloses all subject matter as discussed with respected same comments to claims 12 and 13.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Lin Ye', with a long horizontal flourish extending to the right.

Lin Ye
Primary Examiner
Art Unit 2622

June 12, 2006